IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 23999 of 2004

Between:

A. Venkataiah S/o Thirupataiah
CISF Unit, SCCL(S) RKP Area, Post C.C. Complex,
Naspur District Adilabad (AP)

..... PETITIONER

AND

1 The Deputy Commandant CISF Unit,
SCCL(S) RKP Area Post: CC. Complex Naspur distrct:
Adilabad (AP)

2 The Deputy Commandant CISF Unit, SCCL(S) Mandamari
Area Post: CC. Complex Naspur distrct: Adilabad (AP)

3 The Deputy Inspector General CISF (SZ) Hqrs. Chennai

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction particularly in the nature of Mandmaus or any other appropriate Writ declaring the order No. V-15014/SCCL-RKP/Disc/04-3948, dt 5-102004 and consequential memorandum V-15014/SCCL-RKP/Disc/Maj(/S) AV/04-4413, dated 25-11-2004 on the file of the respondent as illegal, void arbitrary, malicious and against to the principles of natural justice and set-a side the same.

Counsel for the Petitioner: MR.V.R.AVULA

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 23999 of 2004

ORDER:

The present writ petition has been filed to declare the order No.V-15014/SCCL-RKP/Disc/04-3948, dated 05-10-2004 and consequential memorandum in No.V-15014/SCCL-RKP/Disc/Maj (/S) AV/04-4413, dated 25-11-2004, as illegal, void and arbitrary.

2. The grievance of the petitioner is that he lent certain amounts to the 1st respondent-Deputy Commandant who is appointed as an Enquiry Officer against him and the said issue is in dispute. Therefore, he prays to appoint any other Deputy Commandant as an Enquiry Officer.

3. The learned counsel for the petitioner contended that while the petitioner was working in the Central Industrial Security Force of SCCL Unit, he had given hand loan of a tune of Rs.50,000/- to the 1st respondent and the same person is appointed as an Enquiry Officer to conduct an enquiry with regard to certain irregularities against the petitioner. Therefore, he prays to change the Enquiry

Officer.

4 . On the other hand, the learned standing counsel appearing for the respondents opposed the same on the ground that the allegation of borrowal from the petitioner is not correct and hence, he prays to dismiss the writ petition.

5. As seen from the record, it is one of the articles of charge that the petitioner paid an amount of Rs.50,000/- to the 1st respondent for the purpose of meeting the expenditure towards the hostel fee to the son of the 1st respondent. Therefore, in the fitness of things, the same person cannot conduct enquiry against the petitioner. In fairness and justice, the enquiry should be conducted by the person equal to the cadre of the Enquiry Officer so as to complete the enquiry in fair and proper manner. Therefore, a direction can be given to the 2nd respondent to appoint another Deputy Commandant for conducting enquiry against the petitioner.

6. Accordingly, the writ petition is allowed only to the extent of changing the Enquiry Officer. The 2nd respondent is directed to appoint another Enquiry Officer in the cadre of Deputy Commandant to proceed further. However, in the circumstances of the case, the suspension order under challenge cannot be revoked. There shall be no order as to costs.

_____ December
27, 2004

Kvr

TO

1 The Deputy Commandant CISF Unit,
SCCL(S) RKP Area Post: CC. Complex Naspur distrct:
Adilabad (AP)

2 The Deputy Commandant CISF Unit, SCCL(S) Mandamari
Area Post: CC. Complex Naspur distrct: Adilabad (AP)

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4 Two C.D. Copies.